

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date July 7, 2015
Dept. City Manager

Item Title: Paid Sick Leave Policy AB 1522

Staff Contact: Corinne Russell, Human Resources Manager

Recommendation:

Adopt a resolution (**Attachment B**) approving the new paid sick leave policy pursuant to AB1522 for part-time, temporary and seasonal employees. (**Exhibit A**)

Item Summary:

On September 10, 2014, Governor Brown signed into law the Health Workplaces, Healthy Families Act of 2014 that provides three (3) days of paid sick leave for eligible employees beginning July 1, 2015. Under this provision of AB 1522, the City may establish the accrual method and the minimum usage increment for paid sick leave. Under the proposed method of implementing this benefit, part-time employees will be credited with 24 hours of sick leave on January 1 (and each year annually) after working 90 days with the City. Any unused sick leave will not carry over into a new fiscal year. Employees who have not worked in a 12 month period shall be considered a new employee for purposes of sick leave accrual and usage.

Fiscal Impact:

The financial impact of implementing AB 1522 is unknown at this time; however any additional costs would be limited to covering services performed by part-time staff during sick leave absences.

Environmental Review:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Not subject to review
<input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Negative Declaration
<input type="checkbox"/> Mitigated Negative Declaration |
|--|--|

Public Information:

- | | |
|---|--|
| <input type="checkbox"/> None
<input type="checkbox"/> Notice published in local newspaper | <input checked="" type="checkbox"/> Newsletter article
<input type="checkbox"/> Notice to property owners within 300 ft.
<input type="checkbox"/> Neighborhood meeting |
|---|--|

Attachments:

- A. Staff Report
- B. Resolution (Exhibit A- Policy)

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.D

Mtg. Date July 7, 2015

Item Title: **Paid Sick Leave Policy AB 1522**

Staff Contact: Corinne Russell, Human Resources Manager

Discussion:

On September 10, 2014, Governor Brown signed into law the Health Workplaces, Healthy Families Act of 2014 that provides three (3) days of paid sick leave for eligible employees beginning July 1, 2015. Under this provision of AB 1522, the City may establish the accrual method and the minimum usage increment for paid sick leave.

Under the proposed method of implementing this benefit, part-time employees will be credited with 24 hours of sick leave on January 1 (and each year annually) after working 90 days with the City. Any unused sick leave will not carry over into a new fiscal year. Employees who have not worked in a 12 month period shall be considered a new employee for purposes of sick leave accrual and usage.

This policy applies to all City part-time, temporary and seasonal employees.

The employee may use the paid sick leave to care for the employee's own diagnosis, care, treatment of an existing health condition or preventative care; or for the diagnosis, care or treatment of an existing health condition for a child, spouse, registered domestic partner, parent, employee's spouse or registered domestic partner's parent, grandparent, grandchild or sibling.

Conclusion:

Recommends that the City Council adopt the resolution approving the paid sick leave policy.

Attachment B

RESOLUTION NO. 2015-____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, ADOPTING A PAID SICK LEAVE POLICY PURSUANT TO AB 1522 FOR PART-TIME AND HOURLY EMPLOYEES ESTABLISHING THE ACCRUAL METHOD AND THE MINIMUM PAID SICK LEAVE USAGE INCREMENT

WHEREAS, on September 10, 2014 the Governor of the State of California signed the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522) providing paid sick leave for covered employees effective January 1, 2015; and

WHEREAS, the AB 1522 paid sick leave provisions are to take effect July 1, 2015; and

WHEREAS, the City of Lemon Grove wishes to establish a paid sick leave policy pursuant to AB 1522 for part-time and hourly employees; and

WHEREAS, part-time and hourly employees are not covered by an existing collective bargaining agreement nor any other benefits policy; and

WHEREAS, AB 1522 allows the City to establish the accrual method and the minimum usage increment for paid sick leave;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Adopt a Paid Sick Leave Policy (Exhibit A)
2. Paid sick leave shall be credited at the beginning of each calendar year on January 1, at the rate of twenty four (24) hours. No unused sick leave accrual shall be carried over to the following fiscal year.
3. An employee shall be entitled to use accrued paid sick time beginning on the 90th day of employment, defined as the number of days worked. Employees who have not worked in a 12 month period shall be considered a new employee for purposes of sick leave accrual and usage

Attachment B

EXHIBIT A

PAID SICK LEAVE (AB1522) POLICY

OVERVIEW

On September 10, 2014, Governor Brown signed into law the Healthy Workplaces, Healthy Families Act of 2014 that provides three (3) days of paid sick leave for eligible employees beginning July 1, 2015.

PURPOSE

This policy effective January 1, 2015 required employers to post information about AB 1522 but the paid sick leave provisions do not go into effect until July 1, 2015. AB 1522 sets forth the conditions and purposes for which paid sick leave is to be paid. AB 1522 allows the employer to choose between two accrual methods and sets a minimum usage increment for paid sick leave that does not exceed two (2) hours.

POLICY

GENERAL POLICY: An employee who, on or after July 1, 2015, works for 30 or more days within a year, is entitled to paid sick leave. Employees, including part-time, temporary and seasonal employees, after 30 days of employment will be credited 24 hours of sick leave on January 1, and each year annually. Sick leave hours will not be carried over from year to year.

WHO IS COVERED

This policy applies to all City Part-Time, Temporary and Seasonal Employees. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the City. An employee is only allowed to use up to a maximum of 3 days or 24 hours, whichever is greater, of paid sick leave in a 12-month period.

If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated. However, if the employee has not worked in a 12 month period they will be considered a new employee for purposes of this sick leave benefit.

PROCEDURES

Effective July 1, 2015, the Healthy Workplaces, Healthy Families Act of 2014 requires the City of Lemon Grove to provide paid sick leave to employees under the following conditions:

- An employee who, on or after July 1, 2015, works for 30 or more days within a year, is entitled to paid sick leave. Employees, including part-time, temporary and seasonal employees, after 30 days of employment and who have met their 90 day wait period will be credited 24 hours of sick leave on January 1, and each year annually.

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- An employee is only allowed to use up to a maximum of 3 days or 24 hours, whichever is greater, of paid sick leave in a 12-month period.
- An employee may use the paid sick leave in a 12-month period for one of the following reasons:
 - *For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.*
 - *For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:*
 - *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)*
 - *Spouse or Registered Domestic Partner*
 - *Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.)*
 - *Grandparent*
 - *Grandchild.*
 - *Sibling.*
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - *A temporary restraining order or restraining order.*
 - *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
 - *To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.*
 - *To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.*
 - *To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.*

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- *To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.*
- An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- An employee who uses paid sick leave must do so with a minimum increment of 30 minutes of sick leave.
- Paid sick leave will not be considered hours worked for purposes of overtime calculation.
- An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the Agency.
- If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated. However, if the employee has not worked in a 12 month period they will be considered a new employee for purposes of this sick leave benefit.